

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

-
-
-

W.P. No.13735 of 1998

7.6.2007

-

-

Between

N.Venkata Seshu and others

-

..Petitioners

AND

The Regional Manager, APSRTC, City Region, ..Respondents
Secunderabad and another

-
-
-
-
-
-

:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.13735 of 1998

This writ petition has been instituted seeking directions to the respondents to consider the case of the petitioners for appointment to the post of Conductors without insisting upon their nativity. The writ petitioners have pointed out that this Court while deciding Writ Petition No.35902 of 1997 on 27.1.1998, had considered the import of Regulation 8 of the A.P.S.R.T.C. Employees (Recruitment) Regulations, 1966 and held that in terms of Regulation 8(1) of the aforementioned Regulations, any citizen of India could apply to any post in the establishment of the A.P.S.R.T.C. and all that Regulation 8(4) would say is that when all other things being equal, preference shall be given to a candidate who is domiciled in the State of Andhra Pradesh and is conversant with atleast one of the regional languages spoken to in the State of Andhra Pradesh. Therefore, any citizen of India who is normally domiciled in the State of Andhra Pradesh and is conversant with one of the regional languages spoken to in the State of Andhra Pradesh is as much entitled to seek consideration of his case for recruitment in the establishment of the A.P.S.R.T.C. Therefore, the Court had already directed the cases of the writ petitioners herein also to be considered for recruitment to the post of Conductors by the A.P.S.R.T.C.

The Law Officer of the A.P.S.R.T.C. who filed the counter affidavit in this writ petition had pointed out that out of

petitioners, the first petitioner Sri N.Venkata Seshu and the second petitioner Sri P.Ameer Basha alone have appeared for the interviews and the rest of the petitioners have not appeared for the interviews at all. Therefore, the relief if any, had to be necessarily confined to only such candidates who have competed at the selections.

Today, the learned Standing Counsel for the A.P.S.R.T.C. on instructions, informed the Court that the first petitioner

Sri N.Venkata Seshu had secured more marks in the selection process than even the last candidate who is selected and appointed as a Conductor, whereas the second petitioner Sri P.Ameer Basha had secured far less marks than the last candidate selected for employment. It is thus clear that out of the two petitioners who appeared and participated in the selection process, only one of them i.e. the first petitioner Sri N.Venkata Seshu had a right to be selected by virtue of his superior merit than the last selected candidate while the second petitioner cannot make any grievance of his non selection as he secured less marks than the last selected candidate. In view of this position, the Regional Manager of A.P.S.R.T.C., City Region is directed to appoint the first petitioner as Conductor immediately, at any rate within a period of 30 days from the date of receipt of this order. The first petitioner for all other purposes will be treated and deemed to have been appointed with effect from the same date on which others who were selected at the selection process undertaken on 18.1.1998 are appointed as Conductors. It is only for the purpose of reckoning his seniority, service and pay fixation notionally, he will be deemed to have been appointed with effect from the same date on which the candidates who appeared for the selection on 18.1.1998 came to be appointed, but however, he will not be entitled to be paid any wages or arrears of salary and allowances.

With this, the writ petition stands allowed to the extent indicated above. No costs.

NOOTY RAMA MOHANA RAO.J.

7.6.2007
psr